

REMARKS

Claims 1 through 17 remain pending in the present application. Claims 1, 6, 8 and 16 have been amended. Basis for the amendments can be found throughout the specification, drawings and claims as originally filed.

The undersigned attorney would like to thank Examiner Swenson for the courtesies extended to him on the personal interview on May 18, 2005. At the interview, above Claim 1 was discussed. The Examiner indicated that the amendment to Claim 1 appears to overcome the art of record and that the search would be updated.

Objection to the Claims

The Examiner had objected to Claim 8 because it had two periods at the end of the claim. Accordingly, Claim 8 has been amended to remove one of the periods.

Rejection Under 35 U.S.C. §112, second paragraph

The Examiner has rejected Claims 6 and 16 under 35 U.S.C. §112, second paragraph, alleging them to be indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended the typographical error and believes these claims to overcome the Examiner's rejection.

With respect to the Examiner's concern for the term "workmate", Applicants have identified it in the specification as a trademark of the Assignee, as well as identifying it generically as a work bench. Accordingly, Applicants believe that the Examiner's concerns should be withdrawn.

Rejection Under 35 U.S.C. §102(b)

The Examiner has rejected Claims 1, 3, 5 and 6 under 35 U.S.C. §102(b) alleging them to be anticipated by Byrns. Claim 1 has been amended. Claim 1 further defines the base to have a

circumferential edge with at least one side wall extending from the circumferential edge enclosing the tool retaining area. An interruption in the base spans from one side of the circumferential edge to another so that the sides are open at the circumferential edge.

The art relied on by the Examiner, specifically Byrns, fails to disclose or suggest Applicants' invention. As illustrated in Figure 2, the interruption includes side walls unlike Applicants' claimed device. Accordingly, Byrne fails to disclose or suggest Applicants' invention. Thus, Applicants believe Claim 1, as well as Claims 2 through 6, to be patentably distinct over the art cited by the Examiner.

Rejection Under 35 U.S.C. §102(e)

The Examiner has rejected Claims 1, 3 and 6 under 35 U.S.C. §102(e) as being anticipated by Sucher. The Sucher reference fails to disclose or suggest the circumferential edge as claimed by Applicants. Accordingly, Sucher fails to disclose or suggest Applicants' invention. Accordingly, Applicants believe Claim 1 to be patentably distinct over the art cited by the Examiner. Likewise, Claims 2 through 6, which depend from Claim 1, are patentably distinct over the art cited by the Examiner.

Rejection Under 35 U.S.C. §103

The Examiner has rejected Claims 2, 4 and 5 under 35 U.S.C. §103(a) as being unpatentable over Sucher, further in view of Cassells. The Cassells reference, cited by the Examiner, fails to overcome the deficiencies of the Sucher reference. Accordingly, the combination with Sucher fails to disclose or suggest Applicants' invention.

The Examiner has rejected Claims 7 through 17 under 35 U.S.C. §103 alleging them to be unpatentable over Sucher in view of Cassells, further in view of Fortin et al.

The Fortin et al reference is totally unrelated to both Sucher and Cassells. The Examiner's combination of these references is clearly in hindsight. Nowhere is there any suggestion or motivation to combine either the Sucher or Cassells reference with the Fortin et al reference. Only, using the invention as a "template" and having knowledge of Applicants' invention does the Examiner reach his conclusion. Accordingly, Applicants assert that the Examiner is misapplying the references under §103 and respectfully request withdrawal of this rejection.

Accordingly, Applicants believe Claims 7 through 17 to be patentably distinct over the art cited by the Examiner.

In light of the above amendments and remarks, Applicants submit that all pending claims are in condition for allowance. Accordingly, Applicants respectfully request the Examiner to pass the case to issue at his earliest possible convenience. Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

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